



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

JRE  
Docket No: 1675-00  
15 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Head, Separation and Retirement Branch, Headquarters, U.S. Marine Corps dated 13 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. In addition, it was not persuaded that your disability was ratable at or above 30% disabling, which is a prerequisite disability retirement for service members who have not completed twenty years of active duty service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

**W. DEAN PFEIFFER**  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1760  
MMSR-6J  
13 Jun 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF FORMER [REDACTED]  
[REDACTED]

Ref: (a) MMER Route Sheet of 2Jun00, Docket No. 1675-00

1. The reference requests an advisory opinion on former [REDACTED] [REDACTED] petition to correct his records to show that he was retired from the Marine Corps by reason of physical disability and not discharged on 15 June 1996.
2. [REDACTED] was discharged by reason of physical disability on 15 June 1996 with a disability rated at less than 30 percent and issued disability severance pay in the amount of \$53,568.00. He states in his petition that, based on his over 17 years of active service and his "excellent to outstanding" fitness reports, he should have been retired vice discharged. [REDACTED] has subsequently been rated at 30 percent disability by the Department of Veterans Affairs (DVA). The DVA rating is based on criteria different from that of the Department of the Navy.
3. [REDACTED] discharge from the Marine Corps was properly conducted as directed by the Secretary of the Navy based on findings of the Naval Medical System. Unfortunately we, therefore, cannot recommend that favorable consideration be granted his petition.
4. An opinion with regard to the possible reevaluation of [REDACTED] original disability processing would be a matter under the cognizance of the Naval Physical Evaluation Board.



J. P. RATHBUN, JR.  
Head, Separation and  
Retirement Branch  
By direction of the Commandant  
of the Marine Corps